

STUDENT LEARNERS IN INDIANA

Employers often have questions about allowable internship activities. Some of the questions that typically surface include: Are students legally allowed to operate certain machinery? Even if they are, what is my liability for taking on a minor?

While both Indiana and federal laws deem certain duties as hazardous (and thus typically out of the reach of minors), it is often still possible to place minors in roles that expose them to their chosen occupation of interest. In fact, **minors determined to be apprentices or student learners are exempt from existing legal barriers and may perform certain hazardous duties.**

Student Learner Exemption

Requirements for hosting a student learner include the following:

- Enrollment in a course of study and/or training in a cooperative vocational training program in a public school (or in a similar program conducted by a private school).
- Written agreement between the student, employer, and school coordinator or principal.
- Work component of the program conducted under the close supervision of an experienced employee.
- Correlation of safety instructions with the on-the-job training.
- Schedule of organized and progressive work process to be performed on the job by the student learner

Liability Concerns:

Student learners are no different than any other employee. Employers should call their respective insurance companies with any questions they may have, and individual coverage will vary. Nothing in Indiana law requires a different designation, with respect to liability, for student learners in comparison to regular employees.

More information:

The reverse side of this document has more information related to federal and state requirements for employing minors, restrictions to work hours, expanded information on what constitutes a “student learner”, and how to obtain work permits. These regulations must still be followed for all employed minors, including student learners. More information can be found at www.in.gov/dol/files/Child_Labor_Checklist.pdf and www.in.gov/dol/2741.htm.

The exemption to the hazardous occupations rule can help to jump-start students into real-world roles. Students will get the training they need to master important skills and will be mentored by experienced workers. Creating internship programs in Indiana is critical to developing a statewide pipeline of talent and closing the existing skills gaps across the state.

Summary of Rules & Regulations

Federal and State Provisions (TLL)

Requirements:

- Obtain work permit prior to starting work/ training (5)
- School permission granted to work during school day (11)
- Days and hours worked, breaks and lunches taken, and parental permissions all need to be recorded and kept on file at the work site location at all times
- Employers must post the following sheet displaying work hour requirements (10)
www.in.gov/dol/files/Teen_Work_Hour_Restrictions_Poster_7-7-2009.pdf
- Minors must receive 1 or 2 breaks totaling at least 30 minutes if working 6 or more consecutive hours (13) A sample break log may be found at www.in.gov/dol/files/Sample_Break_Log.pdf

Hours of Work Eligibility (TLL 11-12)

- 16 Year Olds May Work:
 - 8 hours per school day, during the hours of 6 am and 10 pm
 - Up to 6 days per week, totaling 30 hours per week
- With *parental permission*, 16 Year Olds May Work:
 - 9 hours per day, until midnight on nights not followed by a school day
 - 40 hours per school week or 48 hours per non-school week
- 17 Year Olds May Work:
 - 8 hours per school day, during the hours of 6 am and 10 pm on school nights
 - Up to 6 days per week, totaling 30 hours per week
- With *parental permission*, 17 Year Olds May Work:
 - 9 hours per day, until 1 am on nights followed by a school day twice a week, on nights that are not consecutive, every other night followed by a school day is limited to 11:30 pm
 - 40 hours per school week or 48 hours per non-school week
- The Parental Permission form may be found at www.in.gov/dol/files/48409R5.pdf

Student Learner Exemptions (CLB 24-25)

- student must be enrolled in course of study and training in a cooperative vocational training program under a recognized state or local educational authority
- student must be employed under a written agreement (signed by the employer and school coordinator or principal) that states that the student can operate the hazardous machinery if:
 - the work is incidental to training
 - work is intermittent and for short periods of time (less than 20% of the work shift or less than 1 hour a day)
 - the work is done under close supervision of a qualified, experienced person
 - safety instructions are given by the school and by employer during on-the-job training
- Direct and Close Supervision is considered to be one experienced adult for the first apprentice on-site and three experienced adults alongside each additional learner

How to Obtain a Work Permit

1. To obtain a work permit, a minor must first be hired by an employer.
2. The employer must provide the accredited school with written notice of intention to hire the student, the hours and types of work being performed by the student ("Intent to Employ/A1" form includes all information an employer needs to provide)
3. The minor must then return the notice, in person, to the Issuing Officer at the accredited high school.
4. The minor will also need to provide proof of age with a copy of his/her birth certificate. (If the minor does not attend the accredited high school or is homeschooled, the minor may be required to provide a letter from his/her school proving good academic and attendance standing)
5. Once these documents are examined and found to be in good order, the minor should be issued a work permit.
 - *The work permit must remain on file at the site where the minor is working.*
 - *No cost to obtain*

www.in.gov/dol/2398.htm#102

TLL- Teen Labor Laws (pdf from IN.gov)

CLB- Child Labor Bulletin 101; WH-1330

Sources include: Indiana Department of Labor, Indiana Automotive Council, Fair Labor Standards Act (FLSA), Indiana Code 20-33 and 20-37